GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Health Medical & Family Welfare (Vigilance) Department - Certain allegations against Sri M.U.B.Saroj Kumar, formerly A.O, at O/o.DM&HO, Kurnool and presently A.O. at GMC, Guntur – Punishment imposed – Set aside as per the orders of the APAT - Article of Charges amended – Written Statement of Defense submitted - Enquiry Officer Appointed — Enquiry Report submitted- Enquiry Report served to the charged officer – Submitted representation on Enquiry Report – imposed the minor punishment of stoppage of (3) AGIs without cumulative effect - Charged Officer approached AP High Court in W.P No. 46477 of 2018 - Orders issued by the Hon'ble High Court - Representation of the Charged Officer received - Orders/Speaking orders issued.

HEALTH MEDICAL AND FAMILY WELFARE (VC.II.2) DEPARTMENT

G.O.Rt.No.717. **Dated:16.09.2022.**

Read the following:-

1. G.O.Rt.No.1007, HM&FW(VC.II.2) Dept. dt.18.11.2004.
2. G.O.Rt.No.20, HM&FW(VC.II.2) Dept., dt.04.01.2008.
3. The Hon'ble APAT orders dated: 01-12-2014 in OA No.6952/2011
4. G.O.Rt.No.461, HM&FW(VC.II.2) Dept, dt.22.08.2017.
5. From the DPH&FW, AP, Vijayawada letter Rc.No.4197/E5.A/2017, dt.21.05.2018.
6. Govt. Memo.No.21147/VC.II.2/2011-08, Dated.19.06.2018.
7. From the DPH&FW, AP, Vijayawada, Lr.No13520/VC.II.C/2013, dt.24.09.2018.
8. G.O.Rt.No.645, HM&FW (VC.II.2) Dept, dt.18.12.2018
9. G.O.Rt.No.795, HM&FW (VC.II.2) Dept, dt. 28.12.2021
10. Representation from Sri M.U.B.Saroj Kumar, A.O dt.28.11.2018
11. The Hon'ble APAT orders dt.16.11.2018 in O.A.No.2512/2018
12. Govt. Memo. No. 21147/VC.II.2/2011-09, dt.21.12.2018
13. From the DPH&FW, AP, Vijayawada letter Rc.No.13520/VC.II.C/2013, dt.19.02.2019.
14. From the Director of Public Health & Family Welfare, AP, Vijayawada, Lr.Rc.No.13520/VC.II.C/2003, dt.07.06.2022.
15. The Hon'ble High Court orders dt 14.07.2022 in WP 46477 of 2018.
16. Letter received from MUB Saroj Kumar, AO, Guntur Medical College, Guntur dated 08.08.2022.
17. Representation of Sri.M.U.B.Saroj Kumar, AO., Guntur Medical College, Guntur dt.22.08.2022

O R D E R:

Whereas in the reference 2nd read above, the Government have imposed a punishment of reduction to the lower rank besides recovery of 30% of loss caused to the Govt. and treating the suspension period as 'not duty' against Sri.M.U.B.Saroj Kumar, former Administrative Officer, O/o. DM&HO, Kurnool along with 3 others on the certain allegation of irregularities in purchasing of stationary items and air coolers in the office of the DM&HO, Kurnool amounting to Rs.10,12,288/-.

2. Aggrieved by the above orders, Sri M.U.B.Saroj Kumar, formerly Administrative Officer, O/o. the DM&HO., Kurnool, filed OA No.6952/2011 before the Hon'ble A.P.A.T. Whereas in the reference 3rd read above, the Hon'ble Tribunal has passed orders allowing the OA, setting aside the G.O.Rt.No.20 dt.04.01.2008 and directed to the Government to restore the applicant's position of Administrative Officer together with all consequential benefits with a mention that this order shall not preclude the Government from making ***de novo*** enquiry on the same charges against the applicant after following the procedure prescribed under the rules.

3. Whereas in the reference 4th read above, the Government have issued an amendment order while cancelling the three orders issued in Govt.Memo.No.9203/VC.II.2/2003-11, dt.15.01.2005, Govt. Memo. dt. 06.01.2006 and G.O.Rt.No.20, HM&FW (VC.II.2) Dept, dt.04.01.2008.

4. Whereas in the reference 5th read above, the DPH&FW has posted the individual as A.O. at GMC, Guntur in the time scale as on the date of his reversion as Office Superintendent, pending disciplinary action if any subject to *de novo* enquiry, as per the orders of the APAT.

(PTO).

5. The Government after obtaining the remarks from the Law Dept have appointed Sri Prakasa Rao, Assistant Director (Admn), O/o. DPH&FW, AP, Vijayawada as the Enquiry Officer to conduct inquiry into the charges framed against the Charged Officers in the reference 8th read above. Subsequently, the Govt changed the Enquiry Officers three times due to various requests by the Enquiry Officers. Finally, in the reference 9th read above, the Government have appointed Anil Kumar Reddy, AD, KMC, Kurnool District as the Enquiry Officer.

6. Whereas in the reference 11th read above, the Hon'ble APAT have disposed off the original application and directed the respondents 1 to 3 (i.e. Principal Secretary, HM&FW Dept, AP Secretariat, the DPH and the DME) to extend benefits to the applicant under Revised Pay Scales of the years 2005, 2010 and 2015, with in a period of two months from the date of receipt of copy of this order.

7. Whereas in the reference 12th read above, the Government has requested the DPH&FW, AP to examine the entire issue and take appropriate action on the orders of Hon'ble APAT, Hyderabad dt.16.11.2018 in O.A.No.2512/2018 duly following the rules in force. In the reference 13th read above, the DPH&FW, AP has issued directions to the Superintendent, Govt. Medical College, Guntur to implement the orders of APAT.

8. Dr.MUB Saroj Kumar, AO, GMC, Guntur has approached the Hon'ble High Court by filing WP.No.46477 of 2018 for promotion and consequential benefits in the reference 15th read above.

9. Whereas in the reference 14th read above, the Government received the Enquiry Report conducted by the Enquiry officer. But in the Enquiry Report, the EO has not stated whether the charges are proved or not specifically. Then the e-file was referred to the DPH&FW for obtaining the opinion of E.O specifically whether the charges are proved or not. After obtaining the opinion, the DPH&FW was requested to serve the Enquiry Report to the Charged Officer, for his representation on the findings of the EO in the Enquiry Report as per the procedure under Rule 21 (2) of the APCCA Rules 1991, and furnish the same with dated acknowledgement to the Government. Accordingly, the Enquiry Officer has submitted the Enquiry Report where he has held the charges proved and served with the Enquiry Report to the CO., as per the Government directives.

10. Whereas in the reference 17th read above, the charged officer has submitted his representation on the findings of the Enquiry Officer. After careful examination of the matter, the Govt has decided to impose a minor punishment of stoppage of three annual grade increments without cumulative effect.

11. Accordingly, a minor punishment of stoppage of three annual grade increments without cumulative effect is hereby imposed in respect of Dr.MUB Saroj Kumar, formerly Administrative Officer, O/o. the DM&HO., Kurnool and presently, A.O, GMC, Guntur.

12. Whereas in the reference 15th read above, the Hon'ble High Court has passed orders in WP 46477 of 2018 as follows: -

> "In view of the above reasons, the Writ Petition is allowed setting aside the orders of the Tribunal dated 16.11.2018 passed in OA 2512 of 2018. Since there is a dispute with regard to extension of benefits in terms of the earlier orders dated 01.12.2014 in OA 6952 of 2011, this Court deems it appropriate to permit the petitioner to submit an appropriate representation, giving complete particulars of the benefits which he is entitled to in accordance with the order in OA No. 6952 of 2011, dated 01.12.2014 within a period of two (02) weeks from the date of receipt of a copy of this order and if any such representation is submitted by the petitioner within the time stipulated above, the same be considered and appropriate speaking orders shall be passed within a period of four (04) weeks thereafter. There shall be no order as to costs.

13. Where as in the reference the 16th reference read above, a representation is received from Dr.MUB Saroj Kumar, AO, duly requesting the following benefits as per the orders of APHC in WP 46477 of 2018.

(PTO).

i) The period of his suspension from 24.09.2003 to 12.02.2008 is to be regularized as ON DUTY and salary to be paid duly deducting the subsistence allowance already paid during that period.

ii) Accordingly, 6 (Six) Annual Grade Increments withheld and due on 01.12.2003, 01.12.20004, 01.12.2005, 01.12.2006, 01.12.2007 and 01.12.2008 are to be released duly allowing RPS-2005,2010,2015 and 2022 fixation benefits.

iii) The amount of Rs.3,74,256/- recovered from his salary from September 2009 to March 2022 is to be returned.

iv) Taking into consideration of his joining as AO i.e., 23.09.2002 he shall be given promotion as Asst. Director on par with his immediate Junior with monetary benefit.

v) He shall be given subsequent promotion as Deputy Director (Admn.) on par with his junior in the cadre of Asst. Director (Admn) with monetary benefit.

14. After careful examination of the representation, the Government have issued the following:

i) He is not eligible for treating the period as On Duty and regularisation of the suspension period as the Government has imposed punishment in the matter. Consequently release of increments does not arise.

ii) The repayment of recovery amount of Rs.3,74,256/- does not arise, since the charges are proved and the punishment is imposed by the Government, as per the de-novo Enquiry done as per the orders of the APAT in O.A.No.6952 of 2011, duly following the prescribed procedure.

iii) In respect of the promotion, the DPH&FW shall take necessary action as per rules and the eligibility of the Officer.

15. The Director of Public Health & Family Welfare, AP, Gollapudi, Vijayawada shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MUDDADA RAVI CHANDRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri.M.U.B.Saroj Kumar, former Administrative Officer, O/o.DM&HO, Kurnool **through** the DPH&FW, AP, Gollapudi, Vijayawada.
The Director of Public Health & Family Welfare, AP, Gollapudi, Vijayawada.
The Director of Medical Education, Hanumanpeta, Old Government Hospital, Vijayawada.

Copy to:
The OSD to M(HFW&ME), AP, Secretariat, Velagapudi.
The PS to Principal Secretary to Govt., HM&FW Dept., Secretariat, Velagapudi,
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER